

Planning Committee Report – 21/1104/FUL

- 1.0 Application Number:** 21/1104/FUL
Applicant: Curlew Alternatives Property LP
Proposal: Development of two Co-Living (Sui Generis) accommodation blocks, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (*Revised*)
- Site Address:** The Harlequin Centre, Paul Street, Exeter
Registration Date: 12 July 2021
Link to Application: <https://publicaccess.exeter.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QW51UCHBGRT00>
- Case Officer:** Matthew Diamond
Ward Member(s): Cllr Diana Moore, Cllr Luke Sills, Cllr Amy Sparling

REASON APPLICATION IS GOING TO COMMITTEE:

The Service Improvement Lead – City Development considers the application to be a significant application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Summary of Recommendation

DELEGATE to GRANT permission subject to completion of a S106 Agreement relating to matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe for the reason set out below.

3.0 Reason for the recommendation: as set out in Section 18 at end

The proposal is considered to be a sustainable development when balancing the development plan policies, National Planning Policy Framework 2021 (NPPF) policies, including the presumption in favour of sustainable development in paragraph 11, National Planning Practice Guidance (NPPG), and the constraints and opportunities of the site. A s106 legal agreement and conditions are necessary to secure affordable housing, infrastructure contributions and other aspects of the development to make it acceptable in planning terms.

4.0 Table of key planning issues

Issue	Conclusion
The Principle of the Proposed	The principle of providing co-living

Issue	Conclusion
Development	development on the site has been established through planning permission ref. 19/1556/FUL. The site is appropriate for this land use being within the City Centre and accessible by sustainable transport modes. 383 co-living bedspaces will be provided, an increase of 132 from the previous scheme. A Management Plan will be secured by s106 legal agreement.
Affordable Housing	55 affordable studios and 21 affordable cluster bedspaces (20% of the total number of dwellings) will be secured in a s106 legal agreement with first priority given to essential local workers. This accords with NPPG on Build to Rent housing and is the consistent approach the Council has taken to co-living schemes in the City.
Access and Impact on Local Highways	The access and highway improvement works are the same as the previously approved scheme. Pedestrian and cycle movement have been put before cars in the design. If the temporary changes to the road layouts on Queen Street and Iron Bridge are made permanent, the scheme will need to be amended through approval of a s278 agreement with the Local Highway Authority. The proposal accords with saved Policies T1, T2 and T3.
Parking	The public car parking spaces included in the previous scheme have been removed in favour of landscaping behind Block 2. 91 public car parking spaces will be lost on the site, however this is not considered significant in the context of the available public car parking in the City Centre. The blocks will be car-free except for two disabled spaces and two electric vehicle car-share spaces. 280 cycle spaces will be provided, 200 for residents and 80 for visitors/public. The proposal accords with the Sustainable Transport SPD.

Issue	Conclusion
Design and Landscape	The design and layout are very similar to the previous application for a co-living block and hotel, however the buildings are marginally smaller and their architectural designs have been improved. The new scheme will also increase active frontage onto Paul Street, improving natural surveillance and vitality of the street. The Police Designing Out Crime Officer has recommended a number of conditions.
Impact on Heritage Assets	The proposals will harm the setting of a number of heritage assets in the vicinity, however this harm is considered to be less than substantial and will be offset by a number of heritage benefits and by the overall public benefits of the scheme, satisfying the NPPF. The heritage benefits include: stabilising and improving the scheduled City Wall adjoining the site, archaeological investigation, improved public realm in the Conservation Area and improved public access to the City Wall.
Residential Amenity	None of the studios in the scheme are smaller than the studios in the previous scheme and the quantum of communal amenity space has been improved from 2.85 sq m per bedspace in the approved scheme to 2.94 in Block 1 and 3.65 in Block 2. Officers are therefore satisfied that the proposals constitute a genuine co-living scheme, thus negating the requirement to comply with the nationally prescribed space standards. Financial contributions will be secured towards off-site public open space and play areas. The Waste and Recycling Team have confirmed that the bin stores are sized appropriately.
Impact on Amenity of Surroundings	The proposed buildings are marginally smaller than the buildings in the previously approved application,

Issue	Conclusion
	<p>therefore the impacts on outlook, natural daylight and overshadowing will be no worse than the extant planning permission. The number and positioning of windows facing toward the neighbouring properties is similar to the previous development. The impacts are similar and acceptable for the urban context. Obscured glazing and insulated metal panels shown on the drawings should be conditioned to minimise overlooking. Environmental Health are satisfied with scheme in terms of noise and lighting, subject to conditions.</p>
Impact on Trees and Biodiversity	<p>4 Norway Maples and a Cherry tree will need to be removed, whilst 4 Norway Maples will be retained and protected during the demolition/construction works. New trees will be planted as part of the soft landscaping works. The Tree Manager has no objections. The scheme will achieve a biodiversity net gain of 669.45%, albeit from a low ecological baseline. A bat roost was found on the site since the previous application was determined. Biodiversity mitigation/compensation measures will be conditioned. A habitats mitigation contribution will be secured by s106 legal agreement.</p>
Contaminated Land	<p>Investigations have found made ground beneath the site, including contamination. The Environment Agency and Environmental Health have recommended conditions to ensure the contamination is remediated and will not pollute ground waters. Remediation of the contamination will be an environmental sustainability benefit of the scheme.</p>
Impact on Air Quality	<p>Part of the site is within the Air Quality Management Area (AQMA) – Queen Street and Queen Street/Paul Street junction. Environmental Health have</p>

Issue	Conclusion
	recommended conditions for a CEMP, electric vehicle charging points and electric hire bikes.
Flood Risk and Surface Water Management	The site is within Flood Zone 1 and the proposed uses are appropriate in this zone. Ground infiltration is not feasible, due to archaeology and contamination. Surface water will be discharged to the public sewer at a reduced flow rate by using green roofs and permeable paving. This will be an environmental sustainability benefit.
Sustainable Construction and Energy Conservation	The co-living blocks will meet Code for Sustainable Homes Level 4 in respect of energy and CO2 emissions in accordance with Policy CP15. The developer has committed to designing the co-living blocks to Passivhaus principles. The site is not in an existing or proposed Decentralised Energy Network area, but the buildings will be constructed to facilitate connection in future. A Waste Audit Statement will be secured by condition.
Development Plan, Material Considerations and Presumption in Favour of Sustainable Development	The proposal is considered to accord with the adopted Development Plan as a whole. There are considered to be no material considerations to indicate that planning permission should be refused. As the Council can now demonstrate a 5 year housing land supply, the 'tilted balance' in paragraph 11d) of the NPPF does not apply. The proposal is considered to be a sustainable development in overall terms.

5.0 Description of Site

The site comprises the Harlequins Shopping Centre and its environs, including: 21-22 Queen Street, Paul Street, the junction of Paul Street, Queen Street and Upper Paul Street, the footbridge across Paul Street linking the Harlequins Shopping Centre to the Guildhall Shopping Centre, the vehicle ramp to the multi-storey car park in the Guildhall Shopping Centre, the public car parks on the site and the service yard to the rear of the shopping centre. The site area is 1.04ha. The site topography slopes down from northeast at the top of Paul Street to southwest at the bottom. There are two vehicle

accesses from Paul Street, one leading to the car parks and service yard near the bottom of the street and one leading to the Guildhall car park ramp near the top. Paul Street has four vehicle lanes to the north and three to the south, with one lane in each direction leading to the Guildhall centre car park. There are three pedestrian access points to the shopping centre, one from a small square to the north, one from the Guildhall Shopping Centre across the footbridge and one via a set of steps to the south. The site is largely devoid of vegetation except for a number of trees and shrubs to the southwest of the site around the car park, and a raised planting bed running part way along the northern boundary. The trees consist of 8 no. Norway Maples and 1 no. Cherry. The site does not include 19 & 20 Queen Street occupied by Toot Garook and Whitton & Lang estate agents respectively, or unit 1 occupied by Hyde and Seek. The Harlequins Car Park has 91 spaces. Exeter City Council is the land freeholder except for adopted highways.

The shopping centre was built in the mid-1980s primarily as an indoor shopping mall. It is mainly constructed of red brick with a grey-tiled sloping roof. It has a postmodern architectural style typical of the era in which it was built. In general it maintains its height along the length of Paul Street rising from single storey near the top to three storeys at the bottom. It includes a basement level car park with ground level access and egress at the southern end of the building. The majority of the shopping centre is currently vacant. One of the remaining occupiers, Chime, has planning permission to move to the ground floor of 21-22 Queen Street. In May 2019 it had a vacancy rate of 46%. However, before the site was being considered for redevelopment, over recent years it has tended to have a higher vacancy rate than the rest of the City Centre. The Exeter & West End of East Devon Retail & Leisure Study 2016 stated that in October 2015 it had a vacancy rate of 29%, compared to 6.5% in the City Centre as a whole.

The site is bounded by 23-25 Queen Street, the Royal Albert Memorial Museum (RAMM), Upper Paul Street and 79-81 Queen Street to the northeast. 25 Queen Street, RAMM and 79-81 Queen Street are grade II listed. To the southeast the site is bounded by Queen Street leading to the High Street and the largely blank, north elevation of the Guildhall Shopping Centre. Immediately to the southwest is the junction of Paul Street, North Street, Bartholomew Street East and Iron Bridge, near the site of the former North Gate demolished in the 18th century. The Iron Bridge is grade II listed. The grade II listed Northgate Stone marks the site of the demolished North Gate. Also to the southwest are apartment blocks – Northgate and North Gate Court. To the northwest the site is bounded by part of the Roman, Anglo Saxon and medieval defences called collectively Exeter City Walls, which is a scheduled monument. Beyond this is Northernhay Street, which is primarily a residential street, but with a car park about half way down the street and several non-residential use buildings at the top end near Queen Street. The non-residential use buildings include Exeter Dispensary, 26 Queen Street (grade II listed), which directly adjoins the site to the north and is currently occupied by Exeter College. Adjacent to this are the Elim Providence Chapel (locally listed) and 37 Northernhay Street occupied by Café 55, which adjoin the City Wall. Adjacent to this is Maddocks Row, a pedestrian walkway linking Northernhay Street to the site beneath a grade II listed Arch in the City Wall. Adjacent to this is 39

Northernhay Street (grade II listed), a residential property that backs onto Maddocks Row and adjoins the City Wall on its side elevation. The property has a garden to the front, which adjoins the City Wall. Adjacent to this is the car park with an entrance from Northernhay Street between two grade II listed gate piers. The car park backs onto the City Wall and was formerly a marble works. Adjacent to the car park is 42 Northernhay Street (grade II listed) the garden of which adjoins the City Wall. Nos. 44-46 and 48-51 Northernhay Street are residential properties with rear gardens that back onto the City Wall further down the street to the southwest.

The site is located in the City Centre. The shopping centre and Paul Street are within the Primary Shopping Area, as shown on the Proposals Map as part of the Exeter Local Plan First Review (Adopted March 2005). The Exeter & West End of East Devon Retail & Leisure Study 2016 stated that the shopping centre's classification within the Primary Shopping Area does not appear appropriate in the current circumstances, due in part to its much lower levels of accessibility and it not taking advantage of passing trade. The site is in Flood Zone 1. Parts of Paul Street are susceptible to surface water flooding. Large parts of the site are indicated as potentially contaminated in the Council's GIS system. Queen Street is within the Air Quality Management Area (AQMA). The site is within the Area of Archaeological Importance, which covers the majority of the City Centre. The site is within the Article 4 area restricting the permitted development right to convert dwelling houses into Houses of Multiple Occupation (HMOs). The site is part of a Liveable Exeter site; Liveable Exeter is a regeneration programme focused on the delivery of new homes in the city over the next 20 years.

The site is located within Central Conservation Area and borders St David's Conservation Area to the north. Apart from the listed buildings and structures already mentioned, there are a high number of other heritage assets within the vicinity, including but not limited to: the Cathedral Church of St Peter (grade I listed); the Church of St Michael and All Saints (grade I listed); Rougemont Castle (scheduled monument); Civic Hall Higher Market (grade II* listed); 1 Upper Paul Street (grade II* listed); St Bartholomew's Cemetery (grade II* listed); Northernhay and Rougemont Gardens (grade II listed), which includes a number of smaller grade II listed assets and the grade II* listed War Memorial; 82-92 Queen Street (grade II listed); 2 Upper Paul Street (grade II listed); 74 & 75 Queen Street (grade II listed); 2 Northernhay Square (grade II listed); 1-8 Northernhay Street (grade II listed); 9-17 Lower North Street (grade II listed); the properties comprised within the former St Anne's Well Brewery (grade II listed); 1-3 (City Gate pub and hotel), 5 & 6 Iron Bridge (grade II listed); the North Causeway of Bridge (grade II listed); 30, 31, 33, & 35-39 Lower North Street (grade II listed); 2 St David's Hill (grade II listed); 17 St David's Hill and the two telephone kiosks near to it (grade II listed); 41 & 42 Mount Dinham (grade II listed); Catacomb in St Bartholomew's Cemetery (grade II listed); the Retailing Wall of St Bartholomew's Churchyard (grade II listed); Rougemont Hotel (locally listed); 13, 17, 18 & 46 Northernhay Street (locally listed); and the Old Malthouse Restaurant, Bartholomew Street East (locally listed).

In broad terms the area is characterised by retail and other commercial uses focused around the High Street to the south and east. The area becomes more mixed to the

north/northwest, including a number of educational buildings belonging to Exeter College, while to the west it becomes more residential as the topography slopes down towards the river. The site is highly sustainable in terms of its accessibility to non-car modes of transport: Exeter Central is within easy walking distance (120m) along Queen Street to the north, while there are numerous bus stops along Queen Street and the High Street. Exeter St David's is about 1km to the northwest. There are several areas of public open space near the site, including Northernhay and Rougemont Gardens to the northeast, Bury Meadow to the northwest and St Bartholomew's Cemetery to the southwest.

6.0 Description of Development

The proposal is to demolish the shopping centre, with the exception of unit 1 (Hyde and Seek), and develop two co-living blocks on the site, while retaining the vehicle ramp to the Guildhall car park and replacing the footbridge across Paul Street.

The application includes new landscaping and works to the surrounding highways. The application was amended with respect to the co-living block towards the bottom of Paul Street to address issues raised in consultation responses. This removed undercroft car parking behind the building and introduced more soft landscaping, as well as 5 more studio apartments on the lower ground floor.

Block 1 towards the top of Paul Street will comprise 138 studios and 18 cluster flats with a total of 107 cluster bedrooms. Block 2 will comprise 133 studios and no cluster flats. The application includes the change of use of the two upper floors of 21- 22 Queen Street into co-living accommodation consisting of 5 studios. Overall the development will provide 383 bedspaces (276 studios and 107 cluster bedrooms). 20% of the dwellings (studios and cluster flats) will be affordable private rented and prioritised for essential local workers.

The layout and design of the scheme is very similar to the previously approved application for a co-living block and a hotel on the site, which was granted planning permission on 23 April 2021. Block 1 will be part 6, part 7 storeys in height and Block 2 will be part 5, part 6 storeys, stepping down to 4 then 3 storeys at the bottom of Paul Street. Block 2 will be marginally lower than the previously approved hotel, as shown on the NW and SE streetscene drawings. The main difference between the applications, apart from changing the hotel to a second co-living block, is to the external appearance of the buildings and to the internal layout and access arrangements of Block 1. The main entrance to Block 1 will now be on the corner of Paul Street and the retained landscaped square to the northeast, instead of from the colonnaded walkway leading to Maddocks Row. The bin store will be further away from the road with external access from the colonnaded walkway. The building will have two cycle stores accessed from the rear of the building instead of one large cycle store accessed from the square. This has provided space for a larger communal amenity area on the ground floor and an external terrace, which has access to the courtyard behind the building. Further communal amenity space will be provided on the lower ground floor and the floors above.

The main entrance to Block 2 will be from the new landscaped square between the buildings. There will be secondary accesses to the lower ground floor from Paul Street and behind the building. The refuse store will be adjacent to Paul Street. There will be a large communal amenity space on the ground floor facing onto the public square and two more communal rooms on the lower ground floor facing onto Paul Street and to the rear. Each of the floors above will have a smaller communal room.

Architecturally both buildings will still have a contemporary appearance, although the design of Block 2 compared to the design of the hotel has been simplified. The principle materials will be red brick with stone and bronze coloured cladding. Block 2 will have more 'active frontage' facing onto Paul Street than the previously approved hotel. It will still include a 'green wall' to the rear. Both buildings will have 'green' and 'brown' roofing systems including insect 'hotels'. Both buildings will be heated by a gas-fired Combined Heat and Power (CHP) unit. The electricity generated by the CHP will be used to offset electricity consumed by the blocks. LED lighting will be specified throughout. The application includes a report on how the buildings can meet Passivhaus standard. The landscaping and street improvement works have not changed since the previously approved application. New hard and soft landscape materials will be used on the site to create a public space between the buildings with improved access to the City Wall. New materials will be used to upgrade the existing public space behind Hyde and Seek (where the existing access to the shopping centre is). A 'pocket park' will be provided at the bottom of the site. The new public space between the buildings will include a small pavilion ('interpretation centre') beneath the ramp to the Guildhall car park that will function as an exhibition space in association with RAMM. Paul Street will be narrowed to two carriageways, with wider footways either side. On-street cycle parking will be provided. The existing railings on the corner of Paul Street and Queen Street will be removed.

As discussed above, the application was amended to remove car parking behind Block 2. This had been intended as public parking, but detracted from the setting of the City Wall and had raised crime and safety concerns. The redesigned building now provides 'active frontage' to the rear offering natural surveillance of this space. The access road leading to beneath the building has been narrowed and soft landscape added creating a better environment. Nine parking spaces are retained beneath the building for local businesses. Four more are retained for use with the development – two disabled spaces and two for electric vehicle car-sharing. Two service laybys will be provided along Paul Street for delivery vehicles and drop-off/pick-up parking. The new pedestrian bridge across Paul Street will be smaller than the existing and have a lift and stair to Paul Street.

7.0 Supporting information provided by applicant

- Design & Access Statement (July 2021)
- Planning Statement (July 2021)
- Economic Impact Assessment (July 2021)

- An Introduction to Co-Living
- Heritage Statement (July 2021)
- Archaeological Impact and Mitigation Statement (July 2021)
- Exeter City Wall, Lying Between Northernhay Street and Paul Street – Preliminary Assessment of the Environmental and Conservation Impact of the Development of the Harlequins Centre – Revision 1.3 (July 2021)
- Exeter City Wall Section Between Northernhay Street and Paul Street Condition Survey and Conservation Appraisal (June 2021)
- Exeter City Wall, Lying between Northernhay Street and Paul Street – Overview report on the Structural Condition, relating to the Harlequins Centre Redevelopment (June 2021)
- Exeter City Wall, Section Between Northernhay Street and Paul Street Conservation Assessment Summary Results (21 July 2020) (Revised 2 July 2021)
- Landscape and Visual Impact Assessment (July 2021)
- Tree Survey (11 May 2021)
- Tree Constraints Plan (14 May 2021)
- Tree Protection Plan 1 of 2 (Dwg. No. 05215.TPP.22.06.2021) (22 June 2021)
- Tree Protection Plan 2 of 2 (Dwg. No. 05215.TPP.22.06.2021) (22 June 2021)
- Arboricultural Impact Assessment Report (18 June 2021)
- Arboricultural Method Statement (installation of path through TG2)
- Ecological Assessment Addendum Report (8 July 2021)
- Transport Assessment (5 July 2021)
- Air Quality Technical Note – Version 4 (5 July 2021)
- Preliminary Geoenvironmental and Geotechnical Assessment – Version B (June 2021)
- Geoenvironmental Assessment – Version B (June 2021)
- Flood Risk Assessment (July 2021)
- Drainage Strategy – Revision L (July 2021)
- Additional Groundwater Monitoring Letter (17 June 2021)
- Acoustic Design Statement (2 July 2021)
- Energy Statement – Issue Number P08 (8 July 2021)
- Passivhaus Planning Package (PHPP) Pre-assessment Report – Rev 06 (June 2021)
- Lighting Assessment Report (8 July 2021)
- Electrical Services External Lighting Strategy Ground Floor (Dwg. No. EHQ-HYD-XX-00-DR-ME-00010 P07) (6 July 2021)
- Solar Comparison Study (Dwg. No. 19720-6042 P-00) (July 2021)
- Consented Scheme Solar Study (Dwg. No. 19720-6041) (July 2021)

Additional Information Submitted During Application

- Heritage Statement (July 2021)
- Historic Environment Desk-Based Assessment Volume 1: Baseline (23 October 2019)

- Historic Environment Desk-Based Assessment Volume 2: Impact Assessment (13 May 2020)
- Additional bat survey results letter (24 August 2021)
- Drainage Strategy – Revision M (September 2021)
- Energy Statement – Issue Number P09 (1 September 2021)
- Changes to the Acoustic Environment Letter (1 September 2021)
- Management Plan (August 2021)

8.0 Relevant Planning History

19/1556/FUL	Development of a Co-Living (Sui Generis) accommodation block and a hotel (Class C1) including bar and restaurant, following demolition of existing shopping centre and pedestrian bridge, change of use of upper floors of 21-22 Queen Street to Co-Living (Sui Generis), and all associated works including parking, landscaping, amenity areas, public realm improvements, new pedestrian bridge and provision of heritage interpretation kiosk. (Revised)	PER	23.04.2021
19/1423/SO -	Request for screening opinion under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) for demolition of shopping centre and development of two buildings comprising Co-Living accommodation (approx. 320 bedrooms) and hotel (approx. 120 bedrooms), together with associated parking, landscaping and public realm improvements.	EIA Not Req.	28.10.2019
19/1070/FUL – (21-22 Queen Street)	Change of use of building from Retail (Use Class A1) to a hearing test centre (Use Class D1) including division of existing retail unit, internal refurbishment and change to shop front.	PER	13.09.2019
17/0781/P -	Potential for redevelopment/change of use including C3.	Pre-App Advice Given	08.10.2019
16/0784/FUL -	Change of use of 5 no. retail units (A1 use) and communal access area to create 326 sqm. gymnasium (D2)	PER	07.10.2016

	use).		
15/0783/FUL -	Change of use to clothing retail and tattoo studio (Sui Generis)	PER	26.08.2015

9.0 List of Constraints

- Adjacent to City Wall (Scheduled Monument)
- Public right of way to City Wall from Paul Street
- Within Central Conservation Area (*statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area under the Planning (Listed Buildings & Conservation Areas) Act 1990*).
- Adjacent to St David's Conservation Area
- Listed buildings and structures surrounding the site (see Section 5.0) (*statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses under the Planning (Listed Buildings & Conservation Areas) Act 1990*).
- Locally listed buildings near the site (see Section 5.0) (*these are non-designated heritage assets, as referred to in Para. 203 of the NPPF*).
- Potential contamination.
- Within Area of Archaeological Importance.
- Queen Street within Air Quality Management Area.
- 8 Norway Maples and 1 Cherry tree on south part of site.
- Within 'zone of influence' for Exe Estuary SPA and Ramsar Site (*statutory duty to protect European sites under the Conservation of Habitats and Species Regulations 2017 (as amended)*).
- Residential properties near the site – amenity considerations.

10.0 Consultations

All consultee responses can be viewed in full on the Council's website.

Historic England: Provided the following observations on the original plans:

- The increased activity along Paul Street in both block 1 and 2 will create a more engaging frontage within the conservation area.
- The overall design of both blocks has been simplified. However, the success of the proposed design will depend upon the quality of the materials used as well as a high standard of execution. To secure the aspect of the scheme, the council should secure this through appropriately worded conditions.
- With the amendments to the proposal, we would encourage opportunities to be identified along the length of the wall to improve its setting, especially at the south-west end of the site near block 2 where the car parking is in close proximity to the scheduled wall creating a utilitarian space.

- In a similar location an external air conditioning unit has also been proposed. The experience of the wall is not only visual but sound and smell etc. The addition of the unit has the potential to have a negative impact on the experience of the wall and if required, an alternative location should be sought.

Provided the following observations on the amended plans:

- The reduction in the car parking to the rear of Block 2 allows for a greater landscape buffer to be created, this addresses the previous issues raised.
- We continue to have concerns regarding the addition of the plant room around the substation. The council need to be satisfied that sufficient justification for the preferred location has been submitted (NPPF, Para 200). They should seek opportunities to avoid and minimise any impact identified (NPPF, Para 195). This could include setting the plant room back from the corner of the main building to better articulate the different buildings at ground level and give it a more recessive character. Consideration should also be given to the incorporation of landscaping along the side facing the scheduled wall to help break up the built form. Consideration will also need to be given to how the noise created by the plant can be controlled. The council should utilise their existing powers to help minimise this impact.

(NB. Further amended plans were subsequently received reducing the size of the plant and adding in additional soft landscaping.)

- The council in their determination of the application should ensure that any safeguards in relation to the historic environment secured through condition or the S106 agreement as part of the original consent are incorporated into this current scheme. Of particular importance is securing the conservation work to the scheduled wall, a significant conservation gain identified under the previous scheme ([19/1556/FUL](#) HE ref P01128814).

Environment Agency: Stated originally that they had no objection, subject to the inclusion of a condition relating to the management of unsuspected contamination. In commenting on the amended plans, they recommended that the application is not determined until further detail is provided to confirm that adequate consideration has been given to the groundwater impacts of the revised surface water drainage arrangement. Further information was provided by the applicant to confirm that this had been considered and the Environment Agency confirmed they had no further concerns.

Natural England: No objection. Within the 'zone of influence' for the Exe Estuary SPA – mitigation will be required and an appropriate assessment should be carried out in accordance with the Conservation of Habitats & Species Regulations 2017 (as amended). Further general advice on the consideration of protected species and other natural environment issues provided at Annex A. The amended plans are unlikely to have significantly different impacts.

RSPB: Pleased 38 swift boxes are included in the proposals, but concerned they are located on only two elevations and suggest a more balanced spread. Boxes should not be located over doors and windows.

Devon & Somerset Fire & Rescue Service: No objection. The drawings appear to satisfy B5 access under the Building Regulations.

Police Designing Out Crime Officer: Raised concerns with the original plans, particularly as the site is situated within policing area 'Beat DE2Y Exeter City Centre' which experiences the highest levels of crime and incidents within the Exeter Local Policing Area. Recommended conditions for: 24-7 onsite management; CCTV; securing the undercroft parking area when not in use; access control measures in the blocks; external lighting in accordance with British Standards; and restricted access to private courtyard behind Block 1. Provided detailed comments on each of these issues.

In regard to the amended plans, recommended same conditions as above. Preferable if all unauthorised access beneath Block 2 was prevented.

Following further amended plans to address these concerns, asked if the parking area beneath Block 2 will only be accessible from the road running behind Block 2. The applicant replied stating yes except for controlled access through the building itself and a restricted stepped access to Paul Street from/to the parking area used by local businesses. The Police Designing Out Crime Officer has been consulted again.

NHS Devon Clinical Commissioning Group: The combined surgeries of St Leonards Practice, Barnfield Surgery, Southernhay House Surgery and Isca Medical Practice are already over capacity. The surgeries have 27,907 registered patients and this development will increase the local population by a further 383 persons. A s106 contribution of £98,048 is required to mitigate this pressure, which will be spent on improving facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre.

South West Water: No objection, subject to the foul and surface water being managed in accordance with the submitted drainage strategy.

Exeter International Airport: No objections. The proposal does not appear to conflict with safeguarding criteria.

Devon County Council – Local Highway Authority: The proposed highway works on Paul Street will need to be amended to fit in with the proposed works to Queen Street/Paul Street – this can be dealt with through the s278 highways agreement. The proposed provision of 256 cycle spaces exceeds the minimum standard in the Sustainable Transport SPD. A management plan is necessary for moving in and out arrangements, and deliveries. The contents of the Framework Travel Plan are broadly acceptable. Vehicle swept path analysis has been completed for the undercroft car park

and is acceptable. No objections, subject to conditions (including Construction Traffic Management Plan) and s106 agreement securing the following obligations:

- £10,000 towards traffic regulation orders in the area
- Co-Car and e-bike docking station
- Details of VMS/signage to manage the use of the Guildhall Car Park
- Details of the type of materials used on the highway (Section 44 Of the Highways Act 1980)
- Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall)
- Rights of access for all users for the new footbridge over the highway

Devon County Council – Lead Local Flood Authority: The applicant has made slight changes to the surface water drainage proposals for planning application 19/1556/FUL. These changes appear to accord with the proposed development changes. The applicant is now using FEH rainfall data to model the surface water drainage system.

Groundwater has been identified around 2.00m below ground level. The ground investigation report advises further groundwater monitoring, this monitoring should also inform the surface water drainage strategy. The applicant may need to submit floatation calculations at the detailed design stage to demonstrate that groundwater will not affect the attenuation tank.

At the detailed design stage, the applicant will need to confirm who shall be responsible for maintaining the surface water drainage system (including whether any maintenance services will need to be hired).

No in-principle objections, subject to a pre-commencement condition.

Heritage Officer: The proposal has the same footprint, height, scale and mass of the previously approved scheme, therefore refer to Heritage Officer's comments on 19/1556/FUL. The design is contemporary and an improvement on the previous scheme. The materials soften the negative impact on the setting of heritage assets. The positive aspects of the previous scheme have been maintained: A section of nationally important scheduled City Wall will be stabilised and improved and the archaeological investigation will provide valuable new evidence about earlier occupation within the city; and the creation of an improved public realm in the Conservation Area partially by redevelopment of the current late 20th century shopping centre with higher quality structures, but more significantly by providing improved access to experience the City Wall and the provision of interpretation to enhance public engagement with the monument. The proposal will create a degree of harm to the Historic Environment, however cumulatively the level of harm falls below the threshold of 'substantial' as defined by national guidance; consequently the proposed development meets the criteria for approval under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 on the basis that any permission be conditioned to

secure the implementation of a programme of archaeological works and to obtain the positive enhancement of the Scheduled Monument by way of a s106 agreement.

Environmental Health: Recommend approval with conditions (External Lighting Scheme, Lighting Impact Assessment, contamination/remedial works, CEMP, electric vehicle charging points, plant noise). The Changes to the Acoustic Environment letter (1 September 2021) provides a sensible response to the neighbours' concerns about potential noise from the development.

Service Manager Public & Green Spaces: No objection, subject to off-site contributions to mitigate the impact of additional demand on off-site public spaces, as follows:

- A pre-occupation open space contribution of £175,000 for the maintenance and upgrade of off-site public open spaces serving the development, to be spent on upgrades to local parks at Northernhay & Rougemont Gardens and Bury Meadow Park.
- A pre-occupation outdoor leisure contribution of £45,000 for the maintenance and upgrade of off-site play areas serving the development, to be spent on the installation of outdoor adult fitness equipment within the area serving the site.

Tree Manager: No arboricultural objections. The proposal will result in the loss of four maple trees referred to within the submitted arboricultural information as tree TG2 and one cherry referred to as T1. Owing to the limited stature and quality of the trees and their location, the removal of the trees to facilitate the development will not have a significant detrimental adverse effect upon the visual amenity of the wider area. The following submitted arboriculture information should be made approved documents:

- Harlequins - Arboricultural Impact Assessment Report ref: 05215.AIA, dated 18.05.2021
- Harlequins - Arboricultural Method Statement (installation of path through TG2), dated 11.05.2021
- Harlequins – Tree Protection Plan (Part 1 of 2), dated 22.06.2021
- Harlequins – Tree Protection Plan (Part 2 of 2), dated 22.06.2021

The Council's Landscape Officer should be consulted about the landscape plans and replacement tree planting.

Waste and Recycling Team: Initially commented that the bin stores in the blocks needed to be bigger. This was accounted for in the revised plans and the Waste and Recycling Team confirmed they were acceptable, especially as an additional weekly collection will be provided.

Building Control: A sprinkler system in accordance with BS 9251 will need to be fitted throughout the building as it has a top storey more than **11m** above ground level.

Means of escape travel distances appear to be overextended in the corridors, therefore a fire strategy will be required to justify the design or the building should be redesigned to comply with Requirement B (Fire Safety) of the Building Regulations 2010.

Not sure if this will now require consultation with the Health and Safety Executive as part of the Building Safety Programme which introduced 'planning gateway one' on the 1st August 2021 for HRRB's (buildings over 18m or seven storeys in height). If so the application should include a fire statement to ensure that the applicants have considered fire safety issues as they relate to land use planning matters.

Exeter Civic Society: Objects – Have significant concerns about the mass of the buildings and impact on the conservation areas, but accept this was accepted through the approval of the previous application. Concerned that the rooms are smaller than the Technical housing standards for a one person flat. Hope the shared support accommodation is sufficient to offset the size of the studios. Pleased parking has been removed under Block 2. Object to the highway proposals, which should be revised to take into account the changes to Paul Street, Queen Street and Iron Bridge should they be made permanent. Object to shared cycle path, as it is contrary to recent government guidance. Object to layby parking on Paul Street – the space behind Block 2 should be re-purposed as a space for deliveries, refuse collection, visitor parking, disabled parking and maintenance vehicles, instead of additional rooms and amenity space. Improvements for cyclists and pedestrians should be made at the junction of Paul Street and Iron Bridge to permit a high quality crossing of Iron Bridge to Bartholomew Street.

Exeter Cycling Campaign: Objects – The shared cycle path does not comply with national guidance published in July 2020. Separate pedestrian and cycle paths should be provided. If the current one-way system on Queen Street and Iron Bridge were to be implemented on a permanent basis, this would free up space for adequate cycle and pedestrian provision to be installed, as one lane of traffic would no longer be required on Queen Street or down the length of Paul Street.

11.0 Representations

The application was advertised twice, once for the original submission and once after the revised plans for Block 2 were submitted. 21 objections were received raising the following issues:

- Overbearing/too high/out of scale with area
- Impact on conservation area/heritage assets
- Visual impact/unsightly/monotonous design
- Overlooking/loss of privacy to residential properties in Northernhay Street
- Overshadowing/loss of daylight/sunlight
- Overdevelopment/overcrowding/safeguarding issues
- Noise/disturbance to local residents
- Crime and safety concerns, due to temporary/transient nature of the accommodation

- Pocket Park might attract anti-social behaviour
- Light pollution
- Car park roller shutters (if provided in line with Police comments) would be noisy
- Impact on local infrastructure/inadequate sewage system
- How will CCTV be monitored?/management staff will be required on-site permanently
- Environmental health impact study should be carried out on Police conditions
- Change of use from hotel to co-living removes public benefit
- Amendments have not gone far enough for the sensitive heritage setting/glad height reduced and hotel removed
- Affordable rents will not be affordable
- Shared pedestrian/cycle path unacceptable
- Impact of demolition/construction works on nearby spa
- The site should be used to improve shopping

12.0 Relevant Policies

National Planning Policy and Guidance

National Planning Policy Framework (NPPF) (2021) – in particular sections:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

Planning Practice Guidance (PPG):

- Air Quality
- Appropriate assessment
- Build to rent
- Climate change
- Design: process and tools
- Effective use of land
- Fire safety and high-rise residential buildings (from 1 August 2021)
- Flood risk and coastal change
- Healthy and safe communities
- Historic environment
- Housing for older and disabled people

Housing: optional technical standards
Housing supply and delivery
Land affected by contamination
Light pollution
Natural environment
Noise
Planning obligations
Town centres and retail
Travel Plans, Transport Assessment and Statements
Tree Preservation Orders and trees in conservation areas
Use of planning conditions
Waste
Water supply, wastewater and water quality

National Design Guide (October 2019)
National Model Design Code (MHCLG, 2021)
Manual for Streets (CLG/TfT, 2007)
Cycle Infrastructure Design Local Transport Note 1/20 (DfT, July 2020)
Protected species and development: advice for local planning authorities (Natural England and DEFRA, 7 January 2021)
Protected sites and areas: how to review planning applications (DEFRA and Natural England, 5 August 2016)
Biodiversity duty: public authority duty to have regard to conserving biodiversity (Natural England and DEFRA, 13 October 2014)

Development Plan

Core Strategy (Adopted 21 February 2012)

Core Strategy Objectives
CP1 – Spatial Strategy
CP4 – Density
CP5 – Mixed Housing
CP7 – Affordable Housing
CP9 – Transport
CP11 – Pollution
CP12 – Flood Risk
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness
CP18 – Infrastructure

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)

AP1 – Design and Location of Development
AP2 – Sequential Approach

H1 – Search Sequence
H2 – Location Priorities
H7 – Housing for Disabled People
TM5 – Developments on sites adjacent to the City Wall
L4 – Provision of Youth and Adult Play Space in Residential Development
T1 – Hierarchy of Transport Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes
T11 – City Centre Car Parking Spaces
C1 – Conservation Areas
C2 – Listed Buildings
C3 – Buildings of Local Importance
C4 – Historic Parks and Gardens
C5 – Archaeology
LS2 – Ramsar/Special Protection Area
LS3 – Sites of Special Scientific Interest
LS4 – Nature Conservation
EN2 – Contaminated Land
EN3 – Air and Water Quality
EN4 – Flood Risk
EN5 – Noise
DG1 – Objectives of Urban Design
DG2 – Energy Conservation
DG4 – Residential Layout and Amenity
DG7 – Crime Prevention and Safety

Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)

W4 – Waste Prevention
W21 – Making Provision for Waste Management

Other Material Considerations

Development Delivery Development Plan Document (Publication Version, July 2015)

DD1 – Sustainable Development
DD5 – Access to Jobs
DD8 – Housing on Unallocated Sites
DD9 – Accessible, Adaptable and Wheelchair User Dwellings
DD13 – Residential Amenity
DD20 – Accessibility and Sustainable Movement
DD21 – Car and Cycle Parking
DD25 – Design Principles
DD26 – Designing out Crime
DD28 – Conserving and Managing Heritage Assets
DD30 – Green Infrastructure

DD31 – Biodiversity
DD34 – Pollution and Contaminated Land

Exeter City Council Supplementary Planning Documents:

Affordable Housing SPD (April 2014)
Sustainable Transport SPD (March 2013)
Planning Obligations SPD (April 2014)
Public Open Space SPD (Sept 2005)
Residential Design Guide SPD (Sept 2010)
Trees and Development SPD (Sept 2009)

Devon County Council Supplementary Planning Documents:

Minerals and Waste – not just County Matters Part 1: Waste Management and Infrastructure SPD (July 2015)

Exeter City Council Supplementary Planning Guidance:

Archaeology and Development SPG (Nov 2004)

Conservation Area Appraisals and Management Plans:

Central (August 2002)
St. Davids (November 2005)

Exeter City Council Annual Infrastructure Funding Statement (31 December 2020)
Net Zero Exeter 2030 Plan (Exeter City Futures, April 2020)

13.0 Human rights

Article 6 - Right to a fair trial.
Article 8 - Right to respect for private and family life and home.
The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

It is acknowledged that there are certain individual properties where there may be some adverse impact and this will need to be mitigated as recommended through imposing conditions to ensure that there is no undue impact on the home and family life for occupiers. However, any interference with the right to a private and family life and home arising from the scheme as result of impact on residential amenity is considered necessary in a democratic society in the interests of the economic well-being of the city

and wider area and is proportionate given the overall benefits of the scheme in the provision of homes, including affordable housing and economic benefits.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land.

This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies in discharging their functions must have “due regard” to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

- a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

15.0 Financial Issues

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:

- a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and

- b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) (of the Town and Country Planning Act 1990)

The information on financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

Material considerations

- 20% of the dwellings will be affordable private rented (Policy CP7, Chapter 5 and Glossary of NPPF, and PPG advice on Build to rent).
- £252,546 habitats mitigation (Policies CP16 and LS2, Chapter 15 of NPPF, PPG advice on Natural Environment and Natural England consultation response).
- £98,048 to improve facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre (Policies CP10 and CP18, PPG advice on Planning Obligations and NHS Devon CCG consultation response).
- £10,000 towards traffic regulation orders in the area (Chapter 9 of NPPF, PPG advice on Promoting sustainable transport and Devon County Council – Local Highway Authority consultation response).
- £25,000 towards management, maintenance, repair and promotion of City Wall (Policy C5, Chapter 16 of NPPF, PPG advice on Historic Environment, and consultation responses from Historic England and Heritage Officer).
- £175,000 for maintenance/upgrade of off-site public open spaces (Policy L4, Public Open Space SPD and consultation response from Public & Green Spaces Service Manager).
- £45,000 for maintenance/upgrade of off-site play areas (Policy L4, Public Open Space SPD and consultation response from Public & Green Spaces Service Manager).
- New public realm works on site (as shown on plans).
- Public realm improvements to Paul Street and Paul Street/Queen Street junction (as shown on plans).

Non-material considerations

The adopted CIL charging schedule applies a levy on proposals that create additional new floor space over and above what is already on a site. This proposal is not CIL liable, as it does not comprise uses within the Community Infrastructure Charging Schedule.

The co-living block will generate council tax.

16.0 Planning Assessment

The key issues are:

1. The Principle of the Proposed Development
2. Affordable Housing
3. Access and Impact on Local Highways
4. Parking
5. Design and Landscape
6. Impact on Heritage Assets
7. Residential Amenity
8. Impact on Amenity of Surroundings
9. Impact on Trees and Biodiversity
10. Contaminated Land
11. Impact on Air Quality
12. Flood Risk and Surface Water Management
13. Sustainable Construction and Energy Conservation
14. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

1. The Principle of the Proposed Development

The proposed development is considered to be acceptable in principle. The acceptability of the provision of co-living residential accommodation (sui-generis) on the site has already been established through the grant of planning permission for a co-living block and a hotel on the site in April 2021 (see Section 8.0 – Relevant Planning History). There are no planning designations or constraints affecting the site to suggest that this form of residential development would be inappropriate in this location in terms of land use. The proposal accords with Policy CP4, which promotes high density development, subject to compatibility with other planning considerations, and Policy CP5, which supports the provision of housing to meet the needs of all members of the community. Whilst co-living isn't referred to in Policy CP5 directly, it is considered to be a special form of housing aimed primarily at younger adults, who wish to live in a well-managed, communal environment and who might otherwise live in Houses of Multiple Occupation (HMOs). The proposal therefore has the potential to free up existing housing stock for use as family dwellings, which could alternatively be converted to HMOs.

This application will increase the number of co-living bedspaces on the site from 251 to 383 (+132), compared to the previous application. Some people have raised concerns that this number of units could lead to crime and safeguarding issues, due to the *'temporary/transient'* nature of the accommodation. However, the applicant has taken onboard a number of points made by the Police Designing Out Crime Officer – these and further points can be conditioned – and a Management Plan has been submitted that will be secured via s106 legal agreement. On this basis, it is considered that there is no legitimate planning reason to refuse the application over these concerns.

Whilst the existing shopping centre is located within the Primary Shopping Area, as mentioned in Section 5.0 this does not appear appropriate in the current circumstances. The Exeter & West End of East Devon Retail & Leisure Study 2016 suggested removing the shopping centre from the Primary Shopping Area and reclassifying it as Secondary Shopping Area. There is no policy which prevents the redevelopment of shops within the Primary or Secondary Shopping Areas to other land uses in any case. Furthermore, Policy CP17 supports the provision of residential development in the City Centre.

2. Affordable Housing

Policy CP7 requires 35% of the total housing provision on sites capable of providing 3 or more additional dwellings as affordable housing. The NPPF states that affordable housing should only be sought on major developments (i.e. 10 or more homes or site area of 0.5ha or more). While the co-living blocks are sui-generis, they will still deliver dwellings in the form of studios and cluster flats, therefore the requirement to include affordable housing in accordance with Policy CP7 applies to the scheme. The co-living accommodation will be Build to Rent housing, as defined in the NPPF (i.e. purpose built housing that is typically 100% rented out). National Planning Practice Guidance (NPPG) states that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. As this guidance was published after the Core Strategy was adopted, officers consider that it is a material consideration that indicates that in this case 20% affordable housing should be provided as opposed to 35% as set out in Policy CP7. This results in an affordable housing requirement of 55 affordable studios and 21 affordable cluster bedrooms. 5% of the affordable units will be wheelchair accessible (M4(3) Category 3) in accordance with the Affordable Housing SPD. This meets the objectives of the Public Sector Equalities Duty. Priority will be given to essential local workers to occupy the affordable units. These provisions will be secured in a s106 legal agreement.

3. Access and Impact on Local Highways

The proposed access and highway improvement works remain the same as the previously approved application. Members should refer to page 36 of the [Planning Committee Report](#) for this earlier application for the relevant background. Once again Exeter Cycling Campaign has objected because a shared pedestrian/cycle path is proposed instead of segregated paths recommended by Department for Transport Local Transport Note 1/20 on Cycle Infrastructure Design; Exeter Civic Society has also objected partly on this issue. However, Devon County Council Highways still consider the pedestrian and cycle improvement works to be acceptable. They have recommended the same planning obligations to be secured in a s106 legal agreement as before.

The highway authority stated in their response that consultation was underway on making the temporary changes to the road layouts on Queen Street and Iron Bridge permanent. This consultation ended on 13 October. If these changes were made

permanent, it would require amendments to the proposed improvement works to Paul Street and Queen Street. The highway authority stated that this can be achieved through the approval of the s278 agreement with the highway authority, which will be necessary if the application is granted planning permission. The highway authority have recommended conditions to secure the proposed works, but these should be amended to provide flexibility in case the changes are made permanent.

The proposed development is considered to accord with Policies CP9, T1, T2 and T3. It has been designed and will be managed to put pedestrians and cyclists before cars, and is in a highly sustainable location where opportunities to utilise sustainable modes of travel will be maximised. It will therefore support the Council's corporate priority of Net Zero Exeter 2030.

4. Parking

The previous application retained 35 public car parking spaces on the site, however these have been removed from the current application following officer comments. The proposed development will therefore be car-free with the exception of 2 disabled spaces and 2 electric vehicle car-share spaces. 9 spaces are retained for local businesses with rights over the existing car park.

The existing car park on the site has 91 spaces. Whilst saved Policy T11 states that City Centre development will be subject to ensuring there is no significant change in the number of public off-street parking spaces, this policy is based on the Local Transport Plan and national guidance that existed pre-2005, so it is out-of-date. It does not fit in with the Council's ambition to be carbon neutral by 2030. However, the loss of spaces is not considered significant, as there are other public car parks within the City Centre.

A total of 280 cycle spaces will be provided. 200 spaces will be provided for residents within cycle stores and 80 spaces will be provided for visitors/public. The latter will comprise a cycle store beneath the car park ramp (24 spaces), 8 cycle stands on the footway beneath the ramp, 5 stands in the existing square at the top of Paul Street, 7 stands behind Block 1 and 8 stands beneath Block 2. The Sustainable Transport SPD requires a minimum of 197 spaces for residents and one or two spaces for visitors, so the proposed number of cycle spaces is acceptable.

Overall, the proposed development is considered to accord with saved Policies H2(d) and T11, and the Sustainable Transport SPD with regard to parking.

5. Design and Landscape

As discussed in Section 6.0, the layout and design of the proposed development is very similar to the previously approved application for a co-living block and hotel. However, the blocks are slightly smaller and have been redesigned in terms of their internal layouts and external appearance. Members should refer to page 40 of the [Planning](#)

[Committee Report](#) of the previous application on how the design of the blocks evolved in terms of their scale and massing.

Architecturally, the design is considered to be an improvement over the previous proposals. The overall success will depend on the quality of materials used, which should be conditioned. The design is also considered to be an improvement in terms of the amount of active frontage facing onto Paul Street, particularly Block 2. This will help to revitalise the street and provide natural surveillance.

The design in terms of landscaping has not changed, except for removal of the car parking area behind Block 2 in favour of more soft landscaping; the substation in this area has also been repositioned to a less prominent location. This is an improvement over the original design and will improve the setting of the City Wall.

The Police Designing Out Crime Officer has recommended a number of conditions, including securing the parking area beneath Block 2 using inward opening automatic gates or roller grilles at the building line to avoid the creation of a recess. A number of the conditions added to the previously approved application should be added to this application in the interests of delivering and maintaining good design.

The proposed development is considered to accord with the relevant parts of Policy CP17, as well as saved Policies DG1 and DG7, and Chapter 12 of the NPPF on achieving well-designed places. As before, the only exception is the second part of DG1(f) where it states that the height of constituent part of buildings (should) relate well to adjoining buildings, spaces and to human scale, in terms of the relationship of the blocks to the buildings along Northernhay Street. However, the City Wall is a substantial urban feature delineating between the residential character of the street and the more intensely urban character of Central Conservation Area of which the site forms a part. Apart from screening the lower storeys of the development, the City Wall justifies a change in character between the street and the site in terms of the scale of the townscape. In addition, the extant permission sets a precedent for the determination of this application.

With regard to Chapter 12 of the NPPF, the proposal accords with paragraph 130, which has a number of design criteria, including ensuring that developments *‘are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’*. It’s considered that the proposed development achieves this balance and therefore meets policy requirements.

6. Impact on Heritage Assets

As set out in Section 5.0 of this report, the site is located in an area of high heritage sensitivity. It is within Central Conservation Area and adjoins St Davids Conservation Area, and there are many listed and locally listed buildings in the vicinity, as well as the scheduled City Wall adjoining the site. The Planning (Listed Buildings and Conservation

Areas) Act 1990 (as amended) places a duty on local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas, and to have special regard to the desirability of preserving listed buildings or their settings that are affected by development proposals. This is reflected in saved Policies C1 and C2. Saved Policy C3 protects buildings of local importance (locally listed) and Policy C4 protects the setting of parks and gardens of special or local historic interest. Policy C5 prevents harm to scheduled monuments, including their setting, and seeks to preserve archaeological remains in situ or archaeological recording works where this is not feasible or practical. In addition, Policy CP17 states that development in the City Centre will enhance the city's unique historic townscape quality, and protect the integrity of the City Wall and contribute positively to the historic character of the Central and Southernhay and Friars conservation areas.

The NPPF was published after the development plan policies above were adopted and includes additional policies relating to conserving and enhancing the historic environment. Therefore, the development plan policies above are not fully up-to-date. Paragraph 194 requires developers to describe the significance of any heritage assets affected by their proposals – the developer has done this in various heritage reports (see Section 7.0). Significance is defined in the Glossary of the NPPF as: *'The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'* When considering the impact of development proposals on the significance of designated heritage assets, the NPPF states that great weight should be given to their conservation (and the more important the asset, the greater the weight should be) (paragraph 199). Paragraph 200 states that any harm to, or loss of, the significance of a designated asset (which includes conservation areas, listed buildings and scheduled monuments) should require clear and convincing justification. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 202 states that this harm should be weighed against the public benefits of the proposal. Public benefits could be anything that delivers economic, social or environmental objectives as described in the NPPF. Considerable importance should be placed on the statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) described above when carrying out this balancing exercise. In the case of non-designated heritage assets (i.e. locally listed buildings) paragraph 203 states that the effect on the significance of a non-designated heritage asset should be taken into account...and when weighing applications a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The NPPF also states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or better reveal its significance) should be treated favourably (paragraph 206).

Historic England was consulted on the application as a statutory consultee. Its advice focused on Central and St Davids Conservation Areas, the scheduled City Wall and Grade I listed Exeter Cathedral. It raised no objections, but encouraged improvements to the setting of the City Wall behind Block 2, which were subsequently carried out. It advised the Council to ensure that the historic environment safeguards secured through condition or s106 legal agreement on the previous application are secured for this application, in particular the conservation work to the scheduled wall. This included a £25,000 contribution towards management, maintenance, repair and promotion of the City Wall.

The Council's Heritage Officer considers the proposals improve upon the design of the previously approved scheme and that they maintain the positive effects upon heritage, including: stabilising and improving a nationally important section of scheduled City Wall; the archaeological investigation will provide valuable new evidence about earlier occupation of the City; improved public realm in the Conservation Area; and improved access to the City Wall. The Heritage Officer considers that cumulatively the level of harm to the Historic Environment falls below the threshold of substantial. As the proposed development shares the same footprint, height, scale and mass as the previously approved scheme, the comments made on the previous application should be referred to. These comments included the level of harm to the heritage assets that are considered to experience a measurable change in their setting as a result of the development proposal. These heritage assets are listed below with the level of harm considered to be caused to them in brackets:

- Central Conservation Area (*moderate*)
- St Davids Conservation Area (*moderate*)
- Exeter Cathedral and the Church of St Michael and All Angels (grade I listed) (*neutral to slight*)
- City Wall (scheduled monument) (*slight negative*)
- 74, 75, 79, 80-82, 83, 84, 89 Queen Street, Queen's Hotel (all grade II listed) and Higher Market Civic Hall (grade II* listed) (*slight to moderate*)
- 25 Queen Street (grade II listed) (*moderate to substantial*)
- 1 and 2 Upper Paul Street (grade II* and grade II listed respectively) (*slight to moderate*)
- RAMM (grade II listed) (*slight to moderate*)
- Exeter Dispensary (grade II listed) (*moderate*)
- Gate Piers to Easton's Marble Works (grade II listed) (*slight*)
- 39 Northernhay Street (grade II listed) (*moderate to substantial*)
- 42 Northernhay Street (grade II listed) (*moderate to substantial*)
- 8, 2-7 and 1 Northernhay Street, 2 Northernhay Square (all grade II listed) and 13, 17, 18, 46, The River (Former Elim Providence Chapel) (all locally listed) (*moderate*)
- Maddocks Row Arch (grade II listed) (*slight*)
- Rougemont Hotel (locally listed) (*slight*)
- Old Malthouse Restaurant, Bartholomew Street East (locally listed) (*slight to moderate*)

- 9-12, 13, 15-17 Lower North Street, 1-3 Iron Bridge, City Gate Public House and Hotel, and St Anne's Well Brewery (all grade II listed) (*neutral to slight*)
- Northernhay and Rougemont Gardens NHLE List Entry No: 1001631 Registered Park & Garden (*slight*)
- 41 and 42 Mount Dinham (grade II listed) (*slight*)

In each case, the level of harm to the significance of the heritage asset is considered to be less than substantial. Therefore, with respect to the designated assets, this harm needs to be weighed against the public benefits of the proposal, in accordance with paragraph 202 of the NPPF. The public benefits of the application are discussed elsewhere in this report, but can be summarised as:

- Bringing vitality back to the site with an appropriate town centre use.
- Job creation (approx. 78 gross jobs, of which some 36 are estimated to be net additional jobs to the local economy).
- Approx. £7.3m annual expenditure, some of which will go towards local businesses.
- Delivery of housing to help maintain a 5 year housing supply.
- Delivery of affordable housing (55 studios and 21 cluster bedrooms) with priority for essential local workers.
- Redevelopment of brownfield site.
- Public realm improvements to Paul Street and Paul Street/Queen Street junction, improving accessibility for pedestrians, cyclists and people with mobility difficulties, and the character and appearance of the Conservation Area.
- Improved public access to the scheduled City Wall and landscaping works enhancing the setting of the City Wall.
- 'Interpretation Centre' enhancing public engagement with the City Wall.
- £25,000 contribution towards management, maintenance, repair and promotion of City Wall.
- Public cycle parking provision.
- Electric vehicle charging points.
- Removal of 1980s building with limited active frontages and replacement with high quality designed buildings with active edges improving the character and appearance of the Conservation Area, and natural surveillance of the public realm.
- Wider view of corner of RAMM from Paul Street through set back building line.
- Smaller footbridge will improve views up and down Paul Street within Conservation Area.
- Off-site public open space contribution of £175,000.
- Off-site play areas contribution of £45,000.
- Biodiversity net gain of 669.45% from new habitat creation.
- Remediation of contaminated land.
- Reduction in surface water flow from the site to the public sewer.
- Energy efficient buildings – Passivhaus design and use of renewables (CHP, photovoltaics)

Of the 17 designated heritage assets/groups comprising designated heritage assets assessed by the Heritage Officer, the impact was considered to be: slight negative, neutral to slight or slight for 7; slight to moderate or moderate for 7; and moderate to substantial for 3. The moderate to substantial impacts were to 25 Queen Street, and 39 and 42 Northernhay Street (all grade II listed). Whilst it is important to seek to preserve the setting of listed buildings and the character or appearance of conservation areas in accordance with the statutory duties, the public benefits listed above are considered to outweigh the level of harm to the designated heritage assets. None of the listed buildings will be physically affected by the proposed development.

Of the 3 locally listed heritage assets/groups comprising locally listed heritage assets assessed by the Heritage Officer, the impact was considered to be slight for 1, slight to moderate for 1 and moderate for 1 group. In this case the level of harm to these heritage assets is not considered to outweigh the other sustainability benefits of the scheme.

Therefore, the proposed development is considered to be acceptable in regard to Chapter 16 of the NPPF on conserving and enhancing the historic environment with regard to the impact on the setting of heritage assets. With regard to archaeology and physical protection/enhancement of the City Wall, the conditions and s106 obligation secured under the previously approved application should also be secured for this application, in accordance with Historic England's and the Heritage Officer's comments.

7. Residential Amenity

The studios in the proposed development fall below the minimum internal floor area recommended for a 1 bed 1 person dwelling of 37 sq m as set out in the national Technical housing standards published in 2015, which superseded the space standards in the Residential Design SPD. However, the principle of allowing co-living accommodation on this site and elsewhere in the City has already been accepted. This is contingent on the Council being satisfied that these proposals constitute genuine co-living developments, which offer generous levels of communal amenity space and management plans which foster a communal atmosphere. The studios in the proposed development range from 18 sq m to 36 sq m, including the wheelchair user units. None of the studios are smaller than the studios in the co-living block in the previously approved scheme.

A total of 736 sq m of communal amenity space will be provided in Block 1 and 486 sq m in Block 2. This equates to 2.94 sq m per bedspace in Block 1 and 3.65 sq m per bedspace in Block 2. This is an improvement on the previously approved co-living block, which provided 2.84 sq m communal amenity space per bedspace.

In terms of private outdoor amenity space, Block 1 includes a terrace and courtyard to the rear and Block 2 includes a small landscaped area in front of the building. These spaces are relatively small and therefore it is expected that residents will use the public

open spaces within the vicinity of the site for outdoor amenity. Contributions of £175,000 and £45,000 are therefore required towards the maintenance and upgrade of off-site public open spaces and play areas (e.g. adult gyms) respectively. This is justified by saved Policy L4 and section 6 of the Public Open Space SPD. These contributions will be secured in a s106 legal agreement.

In terms of waste collection, the Waste and Recycling Team have confirmed that the revised plans include appropriately sized bin stores on the basis that additional weekly collections will take place. A condition should be added requiring waste bins to be stored inside the bin stores at all times except on collection days, in the interests of the amenity of the area.

In terms of residential amenity, the proposal is considered to meet with the basic requirements of saved Policy DG4, however it is accepted that there will be reliance on existing public open spaces nearby to provide outdoor amenity and recreational space, and contributions are therefore sought to enhance these spaces and their recreational value. The management plan submitted with the application should be secured in a s106 legal agreement and a condition added prohibiting the use of the communal areas for anything other than the purpose of providing shared amenity space for the residents. The s106 should include provisions for monitoring compliance of the management plan in the future.

8. Impact on Amenity of Surroundings

Policy DG4 states that residential development should be at the maximum feasible density taking into account site constraints and impact on the local area, and ensure a quality of amenity which allows residents to feel at ease within their homes and gardens. The background text states that 'Residential layout should be at the maximum feasible density taking account of all the design constraints relating to a particular site. Full account should be taken of the need to preserve the amenity of the occupiers of adjoining development, but the urban theme of this design guidance should run through new proposals. An existing suburban context will not be seen as justifying a similar, new, suburban scheme at insufficient densities.' (Paragraph 13.35).

Supplementary guidance on residential amenity is provided in Chapter 7 of the Residential Design SPD. Paragraph 7.2 of the SPD states that the standards are flexible according to site analysis. In addition, the background text of Policy DG4 states that distance standards will be applied flexibly and not at the cost of good townscape and sufficient densities.

The [Planning Committee Report](#) for the previous application included a detailed analysis of the amenity impacts of the development on the neighbouring properties (pages 48 to 51). As the buildings subject to the current application are marginally smaller than the buildings in the previous application, the impacts on outlook, natural light and overshadowing will be no worse than the previous development, which benefits from an extant planning permission. In terms of privacy, the number and

positioning of windows facing towards the neighbouring properties is similar to the previous development. Therefore, the impacts are similar and considered acceptable for the urban context. The obscured glazing and insulated metal panels shown on the drawings within the window frames should be conditioned.

In terms of noise and lighting, technical reports have been provided and Environmental Health has confirmed that the impacts are acceptable, subject to conditions to limit plant noise levels, and an external lighting scheme and lighting impact assessment to protect the amenities of the surrounding properties.

Overall, the proposed development is considered to accord with saved Policy DG4 in terms of its impact on the amenities of surrounding properties, taking into account the City Centre location and urban context.

9. Impact on Trees and Biodiversity

A Cherry tree (category C – low quality) and 4 Norway Maples (category B – moderate quality) will need to be removed from the southern part of the site. 4 other Norway Maples will be retained. New trees will be planted on the site as part of the soft landscaping works, which will compensate for the loss of the existing trees. No objections were received from the Council's Tree Manager.

The site has limited ecological value and biodiversity enhancement measures have been incorporated in the proposals resulting in a biodiversity net gain of 669.45%. This is a slight improvement over the previous proposals, which achieved a gain of 616%. Since the previous application was determined, a single common pipistrelle bat was recorded using an expansion crack beneath the concrete and brick wall under the car ramp as a resting place, confirming the presence of a bat roost. Therefore, a condition should be added requiring proof that a wildlife licence has been obtained from Natural England before any demolition works begin, or confirmation from Natural England that a licence isn't necessary. The mitigation/enhancement measures should be secured by condition.

With reference to The Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature of the development it has been concluded that an AA is required in relation to the potential impact on the Exe Estuary Special Protection Area (SPA). This AA has been carried out and concludes that the development could have an impact in combination with other residential developments primarily associated with recreational activity of future occupants. However, this impact will be mitigated in line with the South-east Devon European Site Mitigation Strategy prepared by Footprint Ecology on behalf of East Devon and Teignbridge District Councils, and Exeter City Council (with particular reference to Table 26). An appropriate contribution will be secured from the development towards implementing the non-infrastructure measures within the mitigation strategy, thereby reducing the impacts of the development to a

level where the integrity of the European sites will not be adversely affected and the conservation objectives of the SPA are achieved.

The proposed development is considered to accord with Policies CP16, CP17, saved Policy LS4 and paragraphs 174 and 180 of the NPPF, subject to conditions securing tree protection for the retained trees during the demolition and construction phases, and the biodiversity mitigation and enhancement measures. The habitats mitigation contribution should be secured in a s106 legal agreement.

10. Contaminated Land

The Preliminary Geoenvironmental and Geotechnical Assessment states that made ground was found beneath the site with elevated concentrations of lead, beryllium and several PAHs. Loose asbestos fibres were also recorded at one location. The report includes a preliminary remediation approach for the site should permission be granted, involving provision of a suitable cover system in areas of soft landscape. Additional ground gas assessment should be undertaken. Basic radon protection measures are necessary on the northern section of the site. Additional investigation of the northeast corner of the site and groundwater monitoring will be required.

Environmental Health have recommended a full contaminated land condition to ensure that the contamination is remediated prior to occupation of the development. The Environment Agency has recommended a condition addressing unsuspected contamination during the works. Accordingly, the proposal will accord with saved Policy EN2, and paragraphs 120c) and 174f) of the NPPF. Remediating the existing contamination will be an environmental sustainability benefit of the scheme.

11. Impact on Air Quality

Policy CP11 states that development should be located and designed so as to minimise and if necessary, mitigate against environmental impacts, and within the AQMA measures to reduce pollution and meet air quality objectives proposed by the Local Transport Plan and the Air Quality Action Plan will be brought forward. Policy EN3 states that development that would harm air quality will not be permitted unless mitigation measures are possible and are incorporated as part of the proposal. The northeast part of the site encompassing part of Queen Street and the junction of Queen Street and Paul Street is within the AQMA.

An Air Quality Technical Note was submitted with the application assessing the changes since the previous scheme in relation to air quality. This has been reviewed by Environmental Health who have confirmed that the proposals are acceptable in terms of air quality issues, subject to conditioning a Construction and Environmental Management Plan (CEMP), and the mitigation measures that were conditioned under the previous application. The removal of the public car park from the scheme will be an added benefit.

Therefore, the proposal is considered to accord with Policy CP11 and saved Policy EN3, subject to the conditions as indicated.

12. Flood Risk and Surface Water Management

Saved Policy EN4 does not permit development if it would be at risk of flooding. The site is within Flood Zone 1 and the proposed use is classified as 'more vulnerable' (see PPG). 'More vulnerable' uses are appropriate in Flood Zone 1, therefore the proposal accords with saved Policy EN4.

Policy CP12 requires all development proposals to mitigate against flood risk utilising SUDS where feasible and practical. Ground infiltration is not feasible or practical for the development due to the presence of archaeology and contamination, and there are no watercourses within the vicinity of the site for surface water to drain into. Therefore, the drainage strategy is to discharge water into the South West Water sewer under Paul Street with sustainable urban drainage techniques, such as permeable paving and green roofs, used to slow the discharge rate compared to the existing situation. The peak discharge rate has been modelled as 64.8 l/s for the 1:100 year + 40% climate change return period, which compares to 214.2 l/s for the 1:100 year return period for the existing development. Therefore, there will be a reduction in surface water flow from the site, as a result of the proposed development, which will be an environmental sustainability benefit of the scheme.

Devon County Council as Lead Local Flood Authority confirmed it has no in-principle objections to the drainage scheme, subject to a pre-commencement condition securing the detailed design of the systems for the construction and operational phases, and proposals for the adoption and maintenance of the final system. Therefore, the proposal is considered to be in conformity with Policy CP12.

13. Sustainable Construction and Energy Conservation

Policy CP15 requires development proposals to demonstrate how sustainable design and construction methods will be incorporated. An Energy Statement has been provided accordingly. A Passivhaus Planning Package Pre-assessment Report has also been provided, which recommends how both blocks can be constructed to meet Passivhaus requirements.

The Energy Statement states that the buildings have been designed with a fabric first approach and will utilise energy efficient technology in building management and through use. In terms of renewable and low-carbon energy, gas powered CHP plant will be utilised, supplemented by photovoltaic panels.

Policy CP15 requires residential development to be zero carbon from 2016. However, national Planning Practice Guidance states that local planning authorities can set energy performance standards for new housing that are higher than the building regulations, but only up to the equivalent of Level 4 of the Code for Sustainable Homes.

Therefore, this is the standard currently sought in respect of energy and CO2 emissions for residential development within the city.

The Energy Statement states that the co-living areas will achieve a weighted 29% betterment over Part L1A 2013 criteria, exceeding Policy CP15's requirement of a 19% betterment. It states that the communal areas of the blocks have Building Emission Rates lower than the target rates, therefore are compliant with Part L2A 2013 of the building regulations. The proposed development will therefore meet the policy requirement.

Conditions should be added to ensure that the sustainable design and construction standards required by Policy CP15 are implemented. The sustainability of the scheme will be enhanced further should it be constructed to Passivhaus standards.

Policy CP13 requires new development with a floorspace of at least 1,000 sq m, or comprising 10 or more dwellings, to connect to any existing, or proposed, Decentralised Energy Network (DEN) in the locality. The site is not located within an existing DEN or within one of the proposed DEN areas referred to in emerging Policy DD32, as shown on the Development Delivery DPD Proposals Map. However, both buildings will be constructed to facilitate a connection in future.

Policy W4 of the Devon Waste Plan requires planning applications for major development to include a waste audit statement. In this case it has been agreed to add a pre-commencement condition requiring this.

14. Development Plan, Material Considerations and Presumption in Favour of Sustainable Development

The proposed development is considered to accord with the adopted Development Plan as a whole. There are considered to be no material considerations to indicate that the proposal should be refused in accordance with s38 of the Planning and Compulsory Purchase Act 2004. The Council can now demonstrate a 5 year housing land supply, which was not the case when the previous application was determined. Therefore, in accordance with the presumption in favour of sustainable development set out in paragraph 11 of the NPPF, the development proposals should be approved without delay (paragraph 11c)). The 'tilted balance' set out in paragraph 11d) that would apply if the Council could not demonstrate a 5 year housing land supply accordingly does not apply to the decision. If it did, as the non-weighted assessment of the impact of the proposals on designated heritage assets above concludes that the public benefits of the scheme outweigh the less than substantial harm to the heritage assets, the conclusion would be that the proposed development should still be approved, as the presumption in favour of sustainable development would then simply tilt the decision towards approval, as it delivers new housing in a sustainable location.

17.0 Conclusion

In conclusion, the proposed development is considered to be acceptable. Whilst it will cause some harm to heritage assets in the vicinity of the site, it will also bring heritage benefits and the public benefits of the scheme overall are considered to outweigh the less than substantial harm caused. The layout and design of the scheme are very similar to the previously approved application for a co-living block and hotel on the site. However, the scheme is considered to be an improvement over the consented scheme in terms of the quality of the architecture, increased active frontage along Paul Street and sustainability through removal of the public car parking spaces on the site.

18.0 RECOMMENDATION

A) DELEGATE TO DEPUTY CHIEF EXECUTIVE TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

- Co-living Management Plan/Monitoring
- 20% of the dwellings (55 studios and 21 cluster bedrooms) will be affordable private rented with first priority to essential local workers
- £252,546 habitats mitigation
- £25,000 towards management, maintenance, repair and promotion of City Wall
- £175,000 for maintenance/upgrade of off-site public open spaces.
- £45,000 for maintenance/upgrade of off-site play areas.
- £98,048 to improve facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre
- £10,000 towards traffic regulation orders in the area.
- Details of VMS/signage to manage the use of the Guildhall car park
- Details of the type of materials used on the highway (section 44 of the Highways Act 1980)
- Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall)
- Rights of access for all users for the new footbridge over the highway
- Public access to the open space on the site and to the City Wall

All S106 contributions should be index linked from the date of resolution.

And the following conditions:

(Details to be provided on the Additional Information Update Sheet before Planning Committee)

B) REFUSE PERMISSION FOR THE REASONS SET OUT BELOW IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED BY 15 MAY 2022 OR SUCH EXTENDED TIME AS AGREED BY THE CITY DEVELOPMENT MANAGER

In the absence of a Section 106 legal agreement in terms that are satisfactory to the Local Planning Authority being completed within an appropriate timescale, and which makes provision for the following matters –

- Co-living Management Plan/Monitoring
- 20% of the dwellings (55 studios and 21 cluster bedrooms) will be affordable private rented with first priority to essential local workers
- £252,546 habitats mitigation
- £25,000 towards management, maintenance, repair and promotion of City Wall
- £175,000 for maintenance/upgrade of off-site public open spaces.
- £45,000 for maintenance/upgrade of off-site play areas.
- £98,048 to improve facilities at either Barnfield Hill Medical Practice, Southernhay Medical Practice or St Leonards Medical Centre
- £10,000 towards traffic regulation orders in the area.
- Details of VMS/signage to manage the use of the Guildhall car park
- Details of the type of materials used on the highway (section 44 of the Highways Act 1980)
- Management Plan to ensure no parking is associated with the development and to ensure the operational facilities of the loading bays (in conjunction with the Guildhall)
- Rights of access for all users for the new footbridge over the highway
- Public access to the open space on the site and to the City Wall

the proposal is contrary to Exeter Local Development Framework Core Strategy 2012 Objectives 1, 3, 5, 6, 8 and 10, and policies CP4, CP7, CP9, CP10, CP16, CP17 and CP18, Exeter Local Plan First Review 1995-2011 saved policies TM5, L4, T1, C5, LS2, LS3 and DG1, Exeter City Council Affordable Housing Supplementary Planning Document 2014, Exeter City Council Sustainable Transport Supplementary Planning Document 2013 and Exeter City Council Public Open Space Supplementary Planning Document 2005.